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Attorneys for Plaintiff
 FBJ HOMESTEAD ASSOCIATES, LLC

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

FBJ HOMESTEAD ASSOCIATES, LLC,

Plaintiff,

vs.

THE UFCW-NORTHERN CALIFORNIA
 EMPLOYERS JOINT PENSION PLAN,

Defendant.

Case No.: 3:13-cv-04491-JSC

**NOTICE OF VOLUNTARY DISMISSAL
 WITHOUT PREJUDICE**

Pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure, plaintiff FBJ Homestead Associates, LLC, by and through its counsel of record, hereby gives notice that the above-captioned action is voluntarily dismissed, without prejudice, against defendant The UFCW-Northern California Employers Joint Pension Plan.

DATED: December 9, 2013

TRUCKER ♦ HUSS

By: /s/ Robert F. Schwartz
Robert F. Schwartz
Sean T. Strauss
Attorneys for Plaintiff
FBJ HOMESTEAD ASSOCIATES, LLC

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CERTIFICATE OF SERVICE

I, Michael V. Bresso, declare as follows:

I am a citizen of the United States, over the age of eighteen years and not a party to the within action. I am employed in the City and County of San Francisco, California. My business address is One Embarcadero Center, 12th Floor, San Francisco, California 94111. On the date indicated below, I served the within:

NOTICE OF VOLUNTARY DISMISSAL WITHOUT PREJUDICE

to the addressee(s) and in the manner indicated below:

THE UFCW-NORTHERN CALIFORNIA
EMPLOYERS JOINT PENSION PLAN
1277 Treat Blvd., 10th Fl.
Walnut Creek, CA 94596



BY MAIL: I placed a true copy in a sealed envelope addressed as indicated above, on the above-mentioned date. I am familiar with the firm's practice of collection and processing correspondence for mailing. It is deposited with the U.S. Postal Service on that same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I certify under penalty of perjury that the foregoing is true and correct, that the foregoing document(s) were printed on recycled paper, and that this Certificate of Service was executed by me on December 9, 2013, at San Francisco, California.

/s/Michael V. Bresso

Michael V. Bresso

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